



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

BJG

Docket No: 3861-00

2 November 2000

CWO2 [REDACTED] III USMC
[REDACTED]
[REDACTED]

Dear Chief Warrant Officer [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 8 October 2000, a copy of which is attached. They also considered your rebuttal letter dated 21 October 2000 with enclosure.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. The enclosure to your letter of 21 October 2000 did show that for the Fiscal Year 1998 Chief Warrant Officer-3 Selection Board, your military occupational specialty, 3102, did not have a restriction on eligibility precluding consideration of below zone officers. However, it further showed that the junior officer eligible had a date of rank of 1 August 1994, while your date of rank was 1 August 1995, making you ineligible. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

3861-CC
IN REPLY REFER TO:
1412/2
MMPR
OCT 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF CHIEF WARRANT OFFICER W2
[REDACTED] USMC

Ref: (a) MMR Route Sheet of 21 Sep 00

1. Reference (a) requested an advisory opinion in the case of Chief Warrant Officer [REDACTED] Chief Warrant Officer [REDACTED] is requesting promotion to chief warrant officer W3 based on his selection by the FY98 USMC Chief Warrant Officer Promotion Selection Board.

2. The following facts are germane to this case:

a. Chief Warrant Officer [REDACTED] was considered and selected as an in zone officer on the FY98 USMC Chief Warrant Officer Promotion Selection Board, which convened 970812. He had been erroneously considered in the Military Occupational Specialty (MOS) of 2340. He was assigned the MOS of 3102 on 960409.

b. Since he was considered in the wrong competitive category, his selection was a legal nullity. He would not have been considered by the board if he had been properly categorized in his MOS of 3102, since he was not in the eligibility zone for that MOS.

c. Chief Warrant Officer [REDACTED] was considered and not selected as an in zone officer on the FY00 USMC Chief Warrant Officer Promotion Selection Board. He was considered as an above zone officer on the FY01 USMC Chief Warrant Officer Promotion Selection Board, the results have not been released for this board.

3. Regrettably, Chief Warrant Officer [REDACTED] was improperly categorized and his selection was a legal nullity. Promotion Branch recommends disapproving his request for promotion to chief warrant officer W3. If approved his date of rank would be 980801.

206-1-CC

Subj: BCNR APPLICATION IN THE CASE OF CHIEF WARRANT OFFICER W2
[REDACTED] SMC

4. The point of contact in this matter is Captain [REDACTED] at
[REDACTED].

[REDACTED]
Head, Officer Promotion Section